WARM TALK UPON

An Alleged Violation of Law By Rapid Transit Co.

RAISE THE PROPERTY TAX

VOLUMINOUS REPORT RELATING TO EXTENSION OF THE FIRE LIMITS.

Street Railway Franchise Bill For Hilo Passes-Bill For Manufacture

Emmeluth offered as a stimulant for the morning session a report from the Judiciary Committee on House Petition No. 109, relative to the Rapid Transit Company. The committee grand biuff and advised that it be retells of the Road Department's follow- jected, as there were at least three ing the track-laying of the Rapid Transit Co. with street construction is to erect a substantial structure over not want the fire limits extended. the sidewalk, open on the street side | The report was tabled to be considand covered with sufficient strong tim- ered with the will. bers to prevent debris from above drop without unnecessary obstruction of other dangerous diseases,

either sidewalk or street." immemorial in Honolulu, thus:

prior to referring this resolution to to terms of the Circuit Courts, and your Committee on Judiciary, the argu- Senate pill No. 23, relative to the iiment was along lines indicating a neg- legal marking of cattle. lect on the part of someone to estabconform with new street grades. Your pass slightly amended. committee notes that the law estabwas enacted in 1886. The entire graddent of Public Works. Taking Liliha struct a railway line on Liliha street report was tabled. had been established, building permits construction permitted, where the floor gard to liquor ficensing. levels today are more than two feet below the grade line established for port: the Rapid Transit Company's tracks. Hon. J. A. Akina, Speaker of the The question arises who is to blame. It is another way of endeavoring to fix responsibility under the present centrained system of government. Your in a few short months will be compelled to raise the buildings to new street grades at enormous expense. Another feature of this lack of sysforming pools for the propagation of disease-breeding germs.

In accordance with its findings the majority of the committee recom-

"First-That the Rapid Transit Company be made to conform strictly with the terms of its franchise in the construction of its read bed.

"Second-That the Rapid Transit Company be compelled to pay its proportionate share for street improvements as contemplated by the fran-

permits on the lines of this report." Mr. Robertson presents this minor-

"I agree with the recommendations with which the report of the committee concludes. But I do not find that

sult desired by the committee." Makainai introduced the following in half the distance from a similar report relative to the extension of the church edifice.

to favor any bill that may be intro- that we could hear this testimony and duced before it, for the extension of not draw therefrom some conclus

tof building in What is anown as the man, for he is only the agent of his ourne unsuret, them a committee of principal. In the opinion of members time mouse court report as to the excension or the are mants. The opposiuon to the measure then developed and in evidence was largely due to the to hold the whip hand over the small dealer, for to such conditions may be cars of the nome name members of he begishedre that the extension of the are names meant only the extenaron of the area in which iumper could se stored in the limits of monoidiu.

Since the facts relating to the stirage of lumber, that is, all lumber at with, then will the interests of the ams time nappens to be stored within small, the retail dealer, be lost to the area known as the hre limits, and naving good reason to beneve that the excension of such hre limits would only mean the extension of the lumber yard area of monorain, your committee recommends that the petition be laid on the table, until the House can learn and Sale of Liquor Passes Second the attitude of the Executive as to a om sately introduced by the chairman of your committee, and having in view the removal of lumber yards outside

the fire limits. Respectrumy submitted, Jessie P. Makainai, R. Puuki, R. H. Makekau, Wm. B. Nailima, A. F. Giiuilan. nobertson said the report was a

number yards outside of the fire limits. Dickey stated that some of the memoperations. It condemns the practice pers had friends in the burnt district, of allowing streets and sidewalks to which brought in for returns from Chibe occupied by constructors of build which brought in fat returns from Chiings, saying, "the practice elsewhere nese tenants, and on that account did

Beckiey presented a draft of bill. ping to the sidewalks, and thus safe- drawn up by the Board of Health, to guarding the lives of foot passengers prevent the spread of small-pox and

The Judiciary Committee reported The report deals strongly with the on Senate bill No. 17, relative to the scandalous manipulation of street protection of sepulture, recommending grades which has obtained from time the bill pass. The report was adopted The same committee reported fav-"During the discussion in the House orably on Senate bill No. 56, relating

The Committee on Public Lands .elish road grades or street grades so ported on House bill No. 103, regulatas to make the erection of new build- ing plumbing, finding that the bill ings and of any permanent improve- aimed to bring cesspool building on a ments along the lines of streets to scientific basis, recommending the bill

The Committee on Public Health re ported on House bill 111 comp ing Antone Serrao for damage done ing was to be done between the Sur- him in the late plague through the vey Department and the Superinten death of his wife, supposedly from plague. The committee thought the street as an example, within the past affair came under the jurisdiction of ten months, and long after the rights the Court of Claims and that the of the Rapid Transit Company to con- House had no right to interfere. The

Gilfillan presented a unanimous rewere granted along that street, and port from the special committee in re-The following is the committee's re-

House of Representatives:

Sir:-Your special committee appointed to investigate abuses in the granting of liquor licenses throughout committee feels impelled to call atten- the Territory, after hearing evidence tion to this state of affairs in the in- and carefully considering all condi terest of the poor unfortunates who tions, begs leave to report as follows:

Evidences of gross abuses of power, of disregard of the rights of the people, of flagrant irregularities, if not worse, in the granting of licenses, and tem in establishing the grades of what may be termed subserviency to streets in time is that wherever such the wishes of the wholesale interests, houses are raised to grade line large as against the small dealer all shown areas are left without proper drainage. in the evidence taken and which is submitted herewith, appear to your committee to call for comment and to

suggest remedial legislation at this could not expect a renewal. Three liit is to be noted that while under one head the policy of the department interested in the licensing of the liquor trame may be strongly marked, again when there comes to the front another man, the policy is changed without seeming reason in law, though it is well known that all the while the real protest against the renewal of his chise to be performed by them, and power behind action remains the same. which may be performed by the Gov- Inconsistency marks each transaction as told in the testimony before your Third-That in harmony with that committee. The range is from a decportion of our report relating to the laration of one minister that he would use of streets for building purposes, resign before he would grant a license we recommend the repeal of section for a certain place on Fort street to 342 of the Penal Code and that the the yielding of another license within the legitimate owner of the privilegs, Superintendent of Public Works issue the next block east. In addition, the but none of these considerations granting a restricted license to one man, and during the term of such license the granting of three spirit !censes within a few hundred yards of that he conducted a disorderly place, the location of the original licensee, on the contrary he was commended in laying its tracks on Hotel street the Rapid Transit Company has violated the provision against obstructing his license privilege. From compellmore than one block at a time. The ing one sufferer from the sanitary fire fact that the surface of the street is to lose the use of his license for below the level of the tracks which months and refusing him the right to ing the highest amount bid. The less are laid to the official grade is not the open in a new place, to the granting or, the same government, gives him fault of the company. In regard to and immediate withdrawal of a lithe company's paying the government cense to an American citizen and old to the case in point, it was refused to for macadamizing the strip on each resident, and the immediate issuance side of the tracks required by law to of the desired privilege to a Japanese. be done by the company, it appears One minister refused to follow the that arrangements are now being road line in measuring the distance made between the road bureau and to a church from the place of one apthe company which will effect the re- plicant, the next allows three spirit licenses, in plain violation of law, with-

It is impossible to call attention to Your Committee on Public Lands all the phases of peculiar actions Internal Improvements report which have characterized the issuance on House Petition No. 86, a set of of liquor licenses in the past. A few resolutions passed by the Chamber of only wai be touched as taken from Commerce, petitioning the Legislature the evidence. It is equally impossible

or the city recommend- as to usage which has brought the enmost of the Charles, tire system into disrepute. The most pernicious of all the methods of the license office must be that custom which permits the wholesale liquor wanted was introduced by dealer to hold a license for the sale operative aminerate of the ritte of liquors at retail. Next comes the practice of permitting a wholesaler to become bondsman for an applicant esoustion introduced at that time was for a retail license. In effect the latter o suspend the granting of permits practice makes the retailer the bondof this committee there should be no such close relations permitted. The wholesale dealer must not be allowed traced some of the difficulties of the past. When large dealers are permitted to exercise leading influence with the licensing power, as may be traced

in some instances submitted here-

Of the half dozen matters treated in the evidence before the committee and now in the hands of the House, the committee wishes to call attention to the case of W. C. J. Ottman, as furnishing the most peculiar features. In November, 1899, a light wine and beer license, as contemplated by law. was issued to Ottman, he then having a place at Walkiki, more than the required distance from the nearest spirituous liquor license, which in this case was the Hawaiian hotel. The strictness of Minister King was shown when in measuring the legal 600 feet | terday. The measure was taken up from the church, Ottman was required to take a straight line, which left his sion and it was read through section fence line 592 feet away, instead of by section. The amendments and following the road, which would have given the necessary distance. It was only by the waiving of objection on tives were in most cases accepted by the part of the church people that the license was finally given. Then Mr. the time for adjournment drew near Ottman went to the expense of building a resort at a cost of \$2,600. For one year he enjoyed the use of his property and license. Then came the question of renewal. With the application approved by the Marshal, the proprietor sent in his formal request. But a change had come over the state of affairs. When the light wine license had been issued there was no license nearer than the city proper. Spirits were sold, it was current rumor, on the strength of an arrangement with the police authorities, a sort of quasi loon or spirituous liquor license district from the downtown section to Waikiki, and the Hotel Annex and the Walkiki Inn were granted full hotel flagrant breaches of public propriety was committed. One of the largest wholesale liquor houses had obtained a license for its beach hotel, another wanted the same privilege. The government which had forced Ottman to measure an air line to the church an, had waived the provision only when the church authorities sanctioned the licensing, this government through Minister Young, who had succeeded Minister King, promised to the promoters of a proposed new hotel a license, granted it in fact, though there was not built the hotel in which the license was to become operative, so the issue could not take place for many months after, and this was the third license granted within 600 feet of a church, a plain violation of the

This then was the condition when Ottman, wi ... \$2,600 invested in buildings for his resort, requested a renewal of his license, and was met with the remark that there were three spirit licenses in the neighborhood and he censes granted in the interval of his first year's business under the license privilege originally granted to him and for which he had to build specially a structure as above stated. He was told that he would encroach on the "hotels (?)," in fact that the proprietor of one of these hotels had made a license. It appears to your committee on the contrary, that the encroachment was upon Ottman, and the implied agreements between him and the Government at the time of granting him his first deense. He was on the ground first, he had the prior right, he was weighed with the conscientious Government which placed about him such restrictions. There was no charge for keeping an orderly place, but he was simply frozen out of his business by the influences dominating the licensing power. In any land lease the occupant may hold his rights by pay the man who was minus the necessary "pull;" the privileges were wanted for men closer to the licensing power, and his rights were invaded and his request dismissed without even the mon courtesy of being given the opportunity of taking what was to be sued under the new conditions and The injustice of this must appeal to all and the committee thinks thing. substantial relief should extend to Mr. Ottman and will so recommend.

law—the location for which the Moana

hotel license was granted being almost

directly across the street from it. The

bugbear of Ottman was no bar to the

influence of the hotel men with the

minister.

Another case in which there was

(Continued on Eighth Page.)

Considered By Sections It Passed Its Second Reading.

SESSION IS REFUSED

GOVERNOR DOLE DECLARES THE PRESENT SESSION CLOSES TUESDAY, APRIL 30.

Research Club Invites Senators to At tend a Meeting-Loan Act Passes Second Reading-Final Action on County Bill Today.

The Municipal and County bill held the undivided attention of the Senate throughout the greater portion of yesat an early hour of the morning seschanges suggested and afterward adopted by the House of Representaat the close of the afternoon, about one-third of the bill remained to be considered. A vote taken resulted in

an evening session being held. One thing which greatly aided in expediting the bill in the Senate was the dispensing with interpretation into Hawaiian. The sections were passed through with considerable rapidity, when the obstructionistic element found that the tactics of Wednesday

would not be countenanced. When House bill No. 48 (the County bill) was broached Cecil Brown licensing of two resorts, at the sea- made a determined effort to speak side. But even this was not for long, upon each and every section of the for both of those places secured the measure. His fellow members in the necessary amount of influence to minority soon followed suit, and for a time it looked as if the floodgates of desultory and time-consuming debate would be opened. Mr. White happen ed to appear in the Senate chamber about the time the measure was intro-

a motion that the municipal act be passed on its second reading without the formality of minute consideration. This seemed to bring matters to a quietus as far as the minority were concerned. Debate was shut off and the senators irrespective of party affiliations settled down to a steady diet of municipal government. Even the proposition of Mr. Carter

reiteration from the day previous, to the effect that the bin be submitted to a committee who would act upon the bill in very short time, perhaps in the noon hour," failed to secure decogni tion at the hands of the legislators. It was useless to denv the fact that the message from the Governor in re gard to the extension of the present session of the Legislature had a wholesome effect on senatorial deliberations. It had a decided tendency to

facilitate business. The way in which the County bill was rushed through was paralyzing to the old-line spectators and patient jobchasers who have haunted the upper loft of the bungalow for the past six weeks. It was a staggerer to some of the senators themselves. Clerk Caypless was compelled to drink to excess of the ice water furnished by a generous territorial government, owing to the speed necessary in reading the bill. Assistant Clerk Coney vigorously plied his handkerchief and bore a worried expression, incidentally figuring up the profits to be derived from

the promised extra session. Governor Dole, however, has come out flat-footed in regard to an exten sion of time. The information fell in the Senate with a heavy impact. The letter reads as follows:

To the Honorable S. E. Kaine, President of the Senate:

requesting an extension of the present riouse could support the executive to regular session of the Legislature, has sign the measure. been presented to me by the special | J. Brown wanted the humicipal act committee of the Senate.

The law provides for a special sessary appropriations for the conduct of Laurration. fore has the power to compel the call ing of a special session for this purpose. The methods of the present session have been wasteful of both time

sion and an extension of the regular accompanying large expenses.

limitation of time appears now to be hopeless, and the calling of a special session to be imperative. Such limitation of time will, I submit, take effect on Tuesday, the 30th day of April. I cannot therefore accede to the re-

Very respectfully, SANFORD B. DOLE.

Sans Souci, April 25th, 1901. The Senate has been invited to at tend the meeting of the Research Club at the Y. M. C. A. Friday evening, when Robert Boyd and Delegate Robert Wilcox will make addresses. Methods and procedure in Congress will be

The resolution passed at the mass meeting in the drill shed grounds Wednesday evening was read before the Senate and placed on table to be considered with the County bill. The following report of the com-

mittee on taxation was submitted by Mr. Carter: The minority of the Committee on Taxation has used all the time of the session in examining into the affairs of the present system of taxation and in discussing the same, without coming to any definite conclusion. A portion of that committee, appreciating that the expenses of the government must be met, the fire claims paid and public improvements carried out throughout the Territory during the biennial period, and that only a few days of the session remain in which to pass the necessary legislation, respectfully submitted the following: We recommend that the tax on prop-

erty be raised from one per cent to one and one-half per cent. That the inheritance tax be increased and graded.

That the tax on large carts and wa-And that the poll tax be about We present the accompanying bills to cover these points and recommend their prompt passage.

C. H. DICKEY. G. R. CARTER, J. D. PARIS.

The report was received and placed a the table to await the majority report. Senate bill 110 the act introduced by the majority of the committee, was then read the first time and

nassed. House bills No. 99, 100 and 101 were eceived from the clerk of the lower house and passed first reading in the

Senate. Mr. Carter requested permission to change the footings in the loan bill, to conform with the authorized statements. He claimed some items had been omitted by the stenographer. Mr. Carter was bidden to make the necessary repairs to the measure forth-

Mr. Kalauokalani reported from the Printing Committee that several Senate bills had been received from the 'printing trust" and were ready for distribution.

The Evening Session.

Within the space of an hour yesterday evening the Senate finished its consideration of the County and Municipal act. The measure was rapidly hustled through and, immediately upon its last section being read, the measure passed its second reading. The County bill was ran through in

ts entirety by 8:30. Dr. Russel movd that House bill No. 48 (the County bill) pass its second reading as read. Mr. Carter demurred at this.

declared that unless the Legislature presented a law drawn up in better shape than the one under discussion, Sir: The resolution of the Senate he failed to see how the Senate and

GOVERNOR DOLE IS LIKELY TO BE BROUGHT TO TASK

with.

WASHINGTON, D. C., April 15 .-Interior Department is getting hot because Dole has not sent report about the Legislature. As soon as word arrived here that the Legislature had

(Special to The Republican.)

ngton this morning and it had been fully expected that something arrived

ant frame of mind. While they know nothing except what comes in news paper reports, they believe Dole and Cooper are holding the report back till the Legislature adjourns, so as to Cooper's expulsion from the floor of avoid any chance of getting in a mess. One of the highest officials of the department said: "It is very evident to me that Dole is trying to hold this taken action, word was sent to Dole thing back till the noise blows over to make a complete report about it and the legislature adjourns, for the forthwith. Plenty of time has passed purpose of protecting Cooper. I don't for the report to get here, but not a know what the department is going to

single word has been heard from Dole do. Guess we can't do anything till concerning it. In fact, it is more wan we get the report. I think a pretty a month since Dole has communicated sharp demand for the report will be with Interior Department about any-sent to Hawaii by next mail. When the report comes we are going to refer The Hawalian mail reached Wash- it to the law department to decide whether or not Cooper exceeded his authority. Then we will act if action be needed. If the official report taldirect loss of property, in effect the confiscation of the right to operate partment and asked what had been tainly did exceed his authority and heard, the officials were not in a pleas-

A possed on its second reading

der, Buigwill enoughs same amartingeli sion of the legislature in case there as the School William to man progress s an adjournment of a regular session | with the Louis with and and an appropriate without the enactment of the neces | .. argue upca the same new under con-

the Government during the succeeding ... vote taken resulted in the bill biennial period, the Legislature there- parating its second reading. and bull will be taked up this morning for its C reading.

il. Carter proposed that Senate on to and the accompany me reports and money, and there is little to show from the committee on mays and for a large expenditure of public funds. be taken up. He and autocat-Under the circumstances it seems to on the passage of benate our so me that it is unreasonable for the Leg- outh are public iona manages. The slature to look for both a special sest terms or loans and command in Bul o. Mr. Baldwin lavored the passage session as well, with the inevitable of the bill. It. Russel lained to see the necessary of making such prepara-The delay in enacting the appropriations for the future, especially in the tions has continued to so late a period of a act. Mr. that all expectation of such legislation (Kannia chee many lastances of great before the expiration of this session by extravagance found in the ferritorial epartments. He stated that in the Loard of mealth that Public Works departments double sets of books are kept, making cama help necessary. Mr. Kanuna figured that the main revenue of the Territory would be derivquest/of the Senate, failing such appro- ed from license wes, etc., amounting 5 \$2,000,000, also liquor license receipts of something like \$200,000. Together with the amount realized from

> Senator Baldwin moved that Senate pill No. 65, the act to provide for puble loan, pass 'ts second reading.

taxes these rums would in his estima-

tion be sufficient to carry on the ser-

vices of the government. He falled to

see the necessity of passing a Loan

Mr. Kalauokalani believed that the Loan act should be passed. There were fire claims and other obligations facing the Territory. There was a demand for improvements from all over the islands, hence need for a Loan bill.

Mr. Baldwin stated that the settle-ment of the fund came in different payments covering a period of fifteen ears. He admitted the while there night be a slight increase in the tax rate nevertheless the benefits derived from the money secured would reound to the benefit of the whole country.

Senate bill No. 65 passed its second eading and will come up for third reading today. Senate Bill No. uo was then taken up. Mr. Kanuha opposed the bill on the ground that he laned to see where there would be a

Senate bill No. 66 passed its second reading after considerable depate. It will be read for the third time today. House bill 93 passed its third read-

ig unanimously. It relates to fire Senate bill No. 93, relating to fidudary companies, passed its third read

Senate bill No. 27, relating to bust ness licenses, parred its third read ing. Senate Bill No. 81, relating to the census, passed its second reading The Senate adjourned at 10:35,

FISH MODELER ARRIVES TO DE HAWAHAN FISHES

The Artist Will Work for Bishop Museum In Preparing a Collection of Models of Every Kind.

John W. Thompson is the name of a passenger who arrived in the Ventura for very interesting work in Honoiulu de is engaged by the Lishop Museum to make a collection of models of ail creatures that inhabit the waters in and about these islands.

This man was for twenty years in charge of the reptiles in the zoological gardens of Philadelphia. He has perfected himself in the modeling of reptiles and fish, his art including the painting of the natural colors of their surfaces. Mr. Thompson told a reporter of The Republican last night hat he spent six years in learning how to mix his colors so as to master the infinite variety of shade and gleam required.

"All of the fishes that can be found in Hawailan waters will be put into the collection," said the artist. "The work will probably take years to accomplish. When completed the col-lection will be beyond price."

Coming down in the Ventura, Mr. Phompson delivered an interesting address on fish and reptiles to the passengers. Since his arrival a fellowpassenger, Herman Kruger, has been showing him the way around town. Yesterday he visited the South Sea Island camp at Kakaako and saw more in a minute there than the inexpert resident would observe in years. His studies have led him from icthyology into the realm; of ethnology

The Money Here.

Wm. F. McLennap and W. W. Ludlow of Treasury Department brought here with them, in the steamer Chira \$1.250,000 to redeem Hawalian bonds. The money is in the vaults of the First National Bank of Hawaii. Payment will begin the 1st of May, when interest will cease. Five per cent bonds issued after July 7, 1898, the date of approval of the annexation resolution. are not included in this redemption. They amount to \$300,000 and old.

The Hesper Trial.

Cantain Sodergren of the bark Heser was on the stand in the United States District Court yesterday afternoon, for the defence of himself and Stewart, the second mate. It is likely the case will go to the jury this after-

DISPUTE IS DECIDED

Battle of the Rails Before Supreme Court.

RENDERED

RAPID TRANSIT COMPANY GIVEN PRETTY MUCH ALL IT WANTED.

Hawaiian Tramwaye Company Cannot Double Track King Street Nor Use Electricity-It Has No Exclusive Franchise on Any Street,

The Honolule Rapid Transit & Land company has the right to lay and operate a track on King street between Nati 14 4 stream and Thomas square. This is the effect of a unanimous opinion of the Supreme Court rendered yesterday upon an agreed submission of facts. It is also decided that the Hawaiian Tramways Company has neither the right to lay a double track on King street nor · the right to operate a tramway by electricity.

Justice Galbraith writes the opinion, Chief Justice Frear and Justice Perry signing it with him.

Following are the issues of law and fact agreed upon by the parties to the submission with the answers respec-

"1. Has the Hawaiian Tramways Company, Limited, the right to lay the double track along King street as above described?" (188 description in question reads: "Said Tramways Company p.oposes to lay a double track, other than the necessary turnouts and switches, along said King street way by electricity.")

By the Court-"Question number one should be answered in the negative." "2. Has the Hawaiian Tramways

Company, Limited, the right to operate a tramway by electricity?" "By the Court-"Number two should also be answered in the negative, with the qualification expressed in the opinion." (This qualification is that electricity might be employed if it involved no additional servitude on the streets, such as overhead wires or underground cables.)

"3. Has the Honolulu Rapid Transit & Land Company the right to lay a track on King street for more than 1700 feet?"

By the Court-"Question number three should be answered in the affirmative."

It is added "that this judgment is given without prejudice to any right the public may have in said street adverse to the parties to the submission or either of them."

The law of the case is thus laid own in the syllabus of opinion: "By Act XVIII., Session Laws 1884, William R. Austin and associates were granted a franchise to build and opernte for a period of thirty wears 'a single track street railway with all necessary curves, switches and turnouts or a double track street railway' along and over certain enumerated streets in the city of Honolulu. A time limit was fixed by the Legislature for the commencement of the rallway at one year and for its completion at three ears. The time for completing the road was by subsequent Act extended to September 15, 1899. The Act exending the time limit provided 'that said allway must be completed and equipped and ready for transportation of passengers," etc. within the time fixed and if not so completed "all rights hereb; granted shall terminate and the franchine hereby granted be come void and of no effect. Provided hat for such portions of said read as shall at that thus be completed and equipped as above required, the right

full force and effect." "Held: That the assignee of Austin having elected to construct, equip and omplete a single track street railway within the time limit fixed by law has no right under the terms of their franchise to now construct a double

erein granted shall stand and be of

"The granting clause of the franchise to Austin and associates being silent as to the motive power to be used in propelling the cars along said railway; held that it was intended by the legislature that only such motive power should be used as was at that time in general and common use by street railway companies, and that the right to use electric traction was not intended to be given, at least if its use would add an additional servitude to the street.

(Continued on Fourth Page).